

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN (WATERLOO) DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	No. 18-CR-2034-CJW
)	
vs.)	GOVERNMENT'S
)	RESPONSE TO MOTION TO
RANDY CONSTANT,)	DISMISS
)	
Defendant.)	

Counsel for defendant filed a motion on August 30, 2019, requesting that this Court “vacate Mr. Constant’s conviction and dismiss the Information” because Mr. Constant took his own life prior to the time to appeal expiring. As noted in the authority cited in support of that motion, criminal proceedings in such situations are “abated *ab initio*,” meaning that convictions are to be “vacate[d]” and charging documents “dismiss[ed].” *United States v. Bennett*, 765 F.3d 887, 883 (8th Cir. 2014). Based on that authority, the United States does not resist the motion.

Respectfully submitted,

PETER E. DEEGAN, JR.
United States Attorney

By, /s/ *Jacob A. Schunk*

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CERTIFICATE OF SERVICE

I certify that I electronically served a copy of the foregoing document to which this certificate is attached to the parties or attorneys of record, shown below, on September 6, 2019.

UNITED STATES ATTORNEY

BY: /s/ Jacob A. Schunk

COPIES TO: Mark Weinhardt